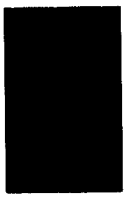
Kiwi Brands Inc.
Administrative Record

TABLE OF CONTENTS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUL 19 1999

Dr. Michael Mellinger
Environmental Affairs Manager
447 Old Swede Road
Douglassville, PA 19518-1239

RE: Agency Determination, Kiwi Brands Inc. (PAD 097153399)

Dear Dr. Mellinger:

This letter is to inform you of the decision by the United States Environmental Protection Agency (EPA) concerning corrective action at the Kiwi Brands Inc. Facility in Douglassville, Pennsylvania. Representatives from EPA and the Pennsylvania Department of Environmental Protection (PADEP) visited this Facility and evaluated the available information. Both agencies agree that there have been no releases of hazardous waste or hazardous constituents at this Facility which currently need remediation under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA). Based on this information, there is no need for HSWA corrective action permit conditions at this time.

On July 9, 1999, EPA completed the public comment period for this Kiwi Brands Inc. Facility. EPA did not receive any comments on its proposal that no corrective action is necessary under HSWA. Therefore, EPA has adopted the proposed decision as the final decision.

Even though corrective action is not necessary at this time, Kiwi Brands, Inc. remains responsible for complying with the self implementing HSWA regulations.

If you have any questions, please contact Hilary Livingston at (215) 814-3449.

Sincerely,

Maria Parisi Vickers
Associate Division Director for RCRA
Waste and Chemical, Management Division

cc: Mike Maiolie (PADEP)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AGENCY DETERMINATION

UNDER THE
RESOURCE CONSERVATION AND RECOVERY ACT
AS AMENDED BY THE HAZARDOUS AND SOLID WASTE
AMENDMENTS OF 1984

Issued to: Kiwi Brands Inc., Douglassville, PA Facility

ID Number: PAD 097 153 399

Facility: Route 662 North, Douglassville, PA, 19518

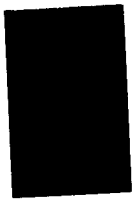
This Agency Determination is issued by the United States Environmental Protection Agency (EPA) under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6901 et seq., and EPA regulations at 40 C.F.R. Parts 260-271 and Part 124, to Kiwi Brands Inc. Facility in Douglassville, PA, at latitude 40° 15' 28" North and longitude 75° 43' 35" West (the Facility). EPA has determined that no further corrective action is necessary at this time.

Although Kiwi Brands Inc. does not require a permit from either the Pennsylvania Department of Environmental Protection (PADEP), or the EPA, EPA used the administrative procedures found in 40 CFR Part 270, to provide public notice and solicit comment on EPA's draft determination. The public notice period ended on July 9, 1999. EPA did not receive any comments on its draft determination, therefore EPA has adopted the draft determination as the final determination.

This determination completes the corrective action process under HSWA, at this time. The Facility must continue to comply with all applicable parts of RCRA.

July 19, 1999
Date Signed

Maria Parisi Vickers,
Associate Division Director for RCRA
Waste and Chemical Managemant Division



STATEMENT OF BASIS

Kiwi Brands Inc. - Douglassville, Pennsylvania
PAD 097153399

I. INTRODUCTION

This Statement of Basis is for Kiwi Brands Inc., in Douglassville, Pennsylvania (hereafter called the "Facility"). After a thorough site inspection of the Facility, and an evaluation of past remediation practices, the Environmental Protection Agency (EPA) believes that no further corrective action, pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6901 et seq., is necessary at Kiwi Brands Inc. at this time. The purpose of this document is to solicit public comment on the proposal that no further corrective action is required at this time at Kiwi Brands Inc.

Although Kiwi Brands Inc. does not require a permit from either the Pennsylvania Department of Environmental Protection (PADEP), or the EPA, EPA is using the administrative procedures found in 40 CFR Part 270, to provide public notice and solicit comment on EPA's draft determination.

II. FACILITY BACKGROUND

Operation at this Facility began in 1980, when Kiwi Brands Inc. moved from Pottstown, PA to Route 662, Douglassville Township, Berks County, Pennsylvania. Kiwi Brands Inc. manufactures a variety of shoe care and toilet bowl products. The hazardous waste generated at the Facility includes various forms of waste shoe polish, bleach toilet bowl tablets, cleaning solvents, and aerosol containers. This waste is stored at the Facility for less than ninety days before being shipped off-site for disposal.

III. RELEASE HISTORY

On January 29, 1988, during a bulk delivery of mineral spirits to an underground storage tank, a faulty tank level indicator was the cause of a tank overfill. Approximately 700 gallons of mineral spirits were released to the environment. Cleanup operations were immediately undertaken, with the collection of any recoverable mineral spirits, the excavation of approximately 120 tons of contaminated soil and the installation of three recovery wells.

On July 24, 1990, between 30 and 50 gallons of mineral spirits was released at this same underground storage tank area during unloading operations. The three recovery wells in the spill area were purged until petroleum hydrocarbons were no longer detected in the groundwater. In 1990, a tank overfill protection system was installed to prevent any future spills during truck unloading operations. This underground storage tank was later removed in 1993 under PADEP oversight. Groundwater sampling, required under the PADEP underground storage tank removal program, found no detectable levels of contaminants in the groundwater.

On September 6, 1988, an unknown amount of a nonhazardous surfactant (Neodol 25-7), was released when a rooftop tank overflowed during unloading of the material. The surfactant continued to travel from the rooftop, down rainwater downspouts, and into an on-site fire pond. PADEP investigated the spill and found that it had been sufficiently remediated through the temporary storage of affected pond sludge and biodegradation of the Neodol 25-7. The temporary pond sludge holding area was later emptied and dismantled under PADEP approval.

On September 13, 1994, approximately 115 gallons of mineral spirits was released when a tanker delivering mineral spirits accidentally released mineral spirits to the ground near the tank pumphouse. Immediate containment was accomplished, and contaminated soil and asphalt were excavated and sent offsite for disposal. The excavated area was then backfilled with clean soil.

IV. SUMMARY OF FACILITY AREAS

Currently, there are five Solid Waste Management Units (SWMU) at the Facility:

- Main Drum Storage Area - A storage area for drums containing hazardous and non-hazardous waste waiting for off-site disposal. The drums are properly labeled and dated, and the area is secured, as required by PADEP regulations, to adequately contain hazardous material in the event a spill should occur.

- Aerosol Waste Storage Area - A storage area for drums containing waste aerosol cans waiting for off-site disposal. The storage area is located in a special room that has been designed for storing aerosol containers, with automatic closing doors and gates in the event of a fire and a fire suppression system. All drums in this area are properly labeled and dated.

- Evaporating Unit - Liquid waste from the production lines is evaporated in three stainless steel lined concrete pits in the rear of the building. Sludge from the pits is characterized before being disposed of off site as a non-hazardous waste. From 1980 until 1986, sludge containing mercury was produced from the evaporator unit. In 1986, under PADEP approval, the Facility altered its manufacturing process to exclude the use of mercury containing products.

- Flammable Liquids Storage/Fill Area - A storage area for drums containing flammable liquid solvents. This area is located in a fire/explosion proof room that has appropriate

secondary containment. All drums in this area are properly labeled and dated.

- Compactor Dumpster - A storage area for the plant trash. This dumpster is taken to Pottstown Landfill as a residual waste.

Other areas at the Facility include:

- Three aboveground storage tanks containing mineral spirits, for use in the manufacturing process, are located outside of the southeast corner of the Facility. These tanks are inside a concrete pit which serves as a secondary containment system, and all piping is double walled.

- Three aboveground storage tanks containing liquid paraffin, for use in the manufacturing process, are located in the southeast corner of the building. There is no secondary containment system for these tanks, however in the event of a release of liquid paraffin, the paraffin would solidify, preventing it from contaminating groundwater, surface water and air. Contaminated soil in such an event could be easily removed.

- The one remaining underground storage tank at the Facility is a 10,000 gallon tank containing fuel oil. The tank was installed in 1995. This tank meets all applicable state and federal requirements for underground storage tanks. (Federal requirements can be found at 40 CFR Part 280.)

There are four media through which humans could be exposed to potential releases:

- Air: Currently there is no known or reasonably suspected contamination to either outdoor air, or indoor air from any of the SWMUs at the Facility.

- Groundwater: Currently there is no known or reasonably suspected contamination to the groundwater from any of the SWMUs at the Facility.

- Surface Water: Currently there is no known or reasonably suspected contamination to the surface water from any of the SWMUs at the Facility.

- Soil: Currently there is no known or reasonably suspected contamination to the soil from any of the SWMUs at the Facility.

Based on a review of all the information received concerning previous spills at Kiwi Brands Inc., as well as the current conditions of the aboveground storage tanks, underground storage tank, and SWMUs, the EPA has determined that no further corrective action is required at this Facility at this time.

V. PUBLIC PARTICIPATION

EPA is requesting comments from the public on its proposal that no corrective action will be required at this Facility at this time. The public comment period will last forty-five (45) calendar days from the date that this matter is publicly noticed in a local newspaper (May 25 to July 9, 1999). Comments may be sent to EPA in writing at the EPA address listed below, and all commentors will receive a copy of the final decision and a copy of the response to comments.

A public meeting will be held upon request. Requests for a public meeting should be made to Ms. Hilary Livingston of the EPA Regional Office (215-814-3449).

The Administrative Record contains all information considered by EPA when making this proposal to not require further corrective action at this Facility at this time. The Administrative Record is available at the following locations:

U.S. EPA Region III
1650 Arch Street, 3WC22
Philadelphia, PA 19103-2029
Hours: Mon-Fri, 9:00 AM - 5:00 PM
Contact: Hilary Livingston
Voice: (215) 814-3449
Fax: (215) 814-3113
E-mail: livingston.hilary@epa.gov

PA DEP
1005 Cross Roads Blvd.
Reading, PA 19605
Hours: Mon-Fri, 8:00 AM - 4:00 PM
Contact: Mike Mailoie
(610) 916-0100

Following the forty-five (45) calendar day public comment period, EPA will prepare a final decision which will address all written comments and any substantive comments presented orally at a public meeting. This final decision will be incorporated into the Administrative Record. If the comments are such that significant changes are made to the proposal that no corrective action is needed at this Facility at this time, EPA will seek public comments on the revised proposal.

DOCUMENTATION OF ENVIRONMENTAL INDICATOR DETERMINATION

Interim Final 2/5/99

RCRA Corrective Action
Environmental Indicator (EI) RCRIS code (CA750)

Migration of Contaminated Groundwater Under Control

Facility Name: Kiwi Brands Inc.
Facility Address: Route 662 N, Douglassvile, Pennsylvania 19518
Facility EPA ID #: PAD 097153399

1. Has **all** available relevant/significant information on known and reasonably suspected releases to the groundwater media, subject to RCRA Corrective Action (e.g., from Solid Waste Management Units (SWMU), Regulated Units (RU), and Areas of Concern (AOC)), been **considered** in this EI determination?

__X__ If yes - check here and continue with #2 below.

_____ If no - re-evaluate existing data, or

_____ if data are not available, skip to #8 and enter"IN" (more information needed) status code.

BACKGROUND

Definition of Environmental Indicators (for the RCRA Corrective Action)

Environmental Indicators (EI) are measures being used by the RCRA Corrective Action program to go beyond programmatic activity measures (e.g., reports received and approved, etc.) to track changes in the quality of the environment. The two EI developed to-date indicate the quality of the environment in relation to current human exposures to contamination and the migration of contaminated groundwater. An EI for non-human (ecological) receptors is intended to be developed in the future.

Definition of "Migration of Contaminated Groundwater Under Control" EI

A positive "Migration of Contaminated Groundwater Under Control" EI determination ("YE" status code) indicates that the migration of "contaminated" groundwater has stabilized, and that monitoring will be conducted to confirm that contaminated groundwater remains within the original "area of contaminated groundwater" (for all groundwater "contamination" subject to RCRA corrective action at or from the identified facility (i.e., site-wide)).

Relationship of EI to Final Remedies

While Final remedies remain the long-term objective of the RCRA Corrective Action program the EI are near-term objectives which are currently being used as Program measures for the Government Performance and Results Act of 1993, GPRA). The "Migration of Contaminated Groundwater Under Control" EI pertains ONLY to the physical migration (i.e., further spread) of contaminated ground water and contaminants within groundwater (e.g., non-aqueous phase liquids or NAPLs). Achieving this EI does not substitute for achieving other stabilization or final remedy requirements and expectations associated with sources of contamination and the need to restore, wherever practicable, contaminated groundwater to be suitable for its designated current and future uses.

Duration / Applicability of EI Determinations

EI Determinations status codes should remain in RCRIS national database ONLY as long as they remain true (i.e., RCRIS status codes must be changed when the regulatory authorities become aware of contrary information).

2. Is **groundwater** known or reasonably suspected to be **"contaminated"**[1] above appropriately protective "levels" (i.e., applicable promulgated standards, as well as other appropriate standards, guidelines, guidance, or criteria) from releases subject to RCRA Corrective Action, anywhere at, or from, the facility?

_____ If yes - continue after identifying key contaminants, citing appropriate "levels," and referencing supporting documentation.

__X__ If no - skip to #8 and enter "YE" status code, after citing appropriate "levels," and referencing supporting documentation to demonstrate that groundwater is not "contaminated."

_____ If unknown - skip to #8 and enter "IN" status code.

Rationale and Reference(s):

The following four releases have occurred at the facility:
1) January 29, 1988 - 700 gallons of mineral spirits were released due to a faulty tank level indicator at an underground storage tank. Clean up operations were immediately undertaken, with the collection of any recoverable mineral spirits, the excavation of approximately 120 tons of contaminated soil and the installation of three recovery wells.
2) July 24, 1990 - 30-50 gallons of mineral spirits were released at this same underground storage tank area during unloading operations. Groundwater at the three wells in the spill area were purged and sampled for petroleum hydrocarbons, and found to be non-detect. A tank overfill protection system was installed in 1990 to prevent future spills, and the underground storage tank was later removed in 1993 under Pennsylvania Department of Environmental Protection (PADEP) oversight. Groundwater sampling, required under the PADEP underground storage tank removal program, found no detectable levels of contaminants in the groundwater.
3) September 6, 1988 - An unknown amount of a nonhazardous surfactant (Neodol 25-7) was accidentally released from a rooftop tank. The surfactant traveled from the rooftop to an on-site fire pond. PADEP investigated the spill and found that it had been remediated through biodegradation of the Neodol 25-7.
4) September 13, 1994 - 115 gallons of mineral spirits were released from a delivery tanker near the tank pumphouse. Immediate containment was accomplished, and contaminated soil and asphalt were excavated and sent off-site for disposal. The excavated area was then backfilled with clean soil.

Based on these spills and the clean up actions that were taken, there is no reason to believe that any media onsite is contaminated above appropriate risk-based levels. Reference: *Environmental Indicator Inspection Report* for Kiwi Brands Inc., dated December, 1, 1998.

Footnotes:

[1]"Contamination" and "contaminated" describes media containing contaminants (in any form, NAPL and/or dissolved, vapors, or solids, that are subject to RCRA) in concentrations in excess of appropriate "levels" (appropriate for the protection of the groundwater resource and its beneficial uses).

3. Has the **migration** of contaminated groundwater **stabilized** (such that contaminated groundwater is expected to remain within "existing area of contaminated groundwater"[2] as defined by the monitoring locations designated at the time of this determination)?

_____ If yes - continue, after presenting or referencing the physical evidence (e.g., groundwater sampling/measurement/migration barrier data) and rationale why contaminated groundwater is expected to remain within the (horizontal or vertical) dimensions of the "existing area of groundwater contamination"[2]).

_____ If no (contaminated groundwater is observed or expected to migrate beyond the designated locations defining the "existing area of groundwater contamination"[2]) - skip to #8 and enter "NO" status code, after providing an explanation.

_____ If unknown - skip to #8 and enter "IN" status code.

Rationale and Reference(s):_____

[2] "existing area of contaminated groundwater" is an area (with horizontal and vertical dimensions) that has been verifiably demonstrated to contain all relevant groundwater contamination for this determination, and is defined by designated (monitoring) locations proximate to the outer perimeter of "contamination" that can and will be sampled/tested in the future to physically verify that all "contaminated" groundwater remains within this area, and that the further migration of "contaminated" groundwater is not occurring. Reasonable allowances in the proximity of the monitoring locations are permissible to incorporate formal remedy decisions (i.e., including public participation) allowing a limited area for natural attenuation.

4. Does "contaminated" groundwater **discharge** into **surface water** bodies?

_____ If yes - continue after identifying potentially affected surface water bodies.

_____ If no - skip to #7 (and enter a "YE" status code in #8, if #7 = yes) after providing an explanation and/or referencing documentation supporting that groundwater "contamination" does not enter surface water bodies.

_____ If unknown - skip to #8 and enter "IN" status code.

Rationale and Reference(s):_____

5. Is the **discharge** of "contaminated" groundwater into surface water likely to be **"insignificant"** (i.e., the maximum concentration[3] of each contaminant discharging into surface water is less than 10 times their appropriate groundwater "level," and there are no other conditions (e.g., the nature, and number, of discharging contaminants, or environmental setting), which significantly increase the potential for unacceptable impacts to surface water, sediments, or eco-systems at these concentrations)?

_____ If yes - skip to #7 (and enter "YE" status code in #8 if #7 = yes), after documenting: 1) the maximum known or reasonably suspected concentration[3] of key contaminants discharged above their groundwater "level," the value of the appropriate "level(s)," and if there is evidence that the concentrations are increasing; and 2) provide a statement of professional judgement/explanation (or reference documentation) supporting that the discharge of groundwater contaminants into the surface water is not anticipated to have unacceptable impacts to the receiving surface water, sediments, or eco-system.

_____ If no - (the discharge of "contaminated" groundwater into surface water is potentially significant) - continue after documenting: 1) the maximum known or reasonably suspected concentration[3] of each contaminant discharged above its groundwater "level," the value of the appropriate "level(s)," and if there is evidence that the concentrations are increasing; and 2) for any contaminants discharging into surface water in concentrations[3] greater than 100 times their appropriate groundwater "levels," the estimated total amount (mass in kg/yr) of each of these contaminants that are being discharged (loaded) into the surface water body (at the time of the determination), and identify if there is evidence that the amount of discharging contaminants is increasing.

_____ If unknown - enter "IN" status code in #8.

Rationale and Reference(s):_____

[3] As measured in groundwater prior to entry to the groundwater-surface water/sediment interaction (e.g., hyporheic) zone.

6. Can the **discharge** of "contaminated" groundwater into surface water be shown to be "**currently acceptable**" (i.e., not cause impacts to surface water, sediments or eco-systems that should not be allowed to continue until a final remedy decision can be made and implemented[4])?

_____ If yes - continue after either: 1) identifying the Final Remedy decision incorporating these conditions, or other site-specific criteria (developed for the protection of the site's surface water, sediments, and eco-systems), and referencing supporting documentation demonstrating that these criteria are not exceeded by the discharging groundwater; OR 2) providing or referencing an interim-assessment,[5] appropriate to the potential for impact, that shows the discharge of groundwater contaminants into the surface water is (in the opinion of a trained specialists, including ecologist) adequately protective of receiving surface water, sediments, and eco-systems, until such time when a full assessment and final remedy decision can be made. Factors which should be considered in the interim-assessment (where appropriate to help identify the impact associated with discharging groundwater) include: surface water body size, flow, use/classification/habitats and contaminant loading limits, other sources of surface water/sediment contamination, surface water and sediment sample results and comparisons to available and appropriate surface water and sediment "levels," as well as any other factors, such as effects on ecological receptors (e.g., via bio-assays/benthic surveys or site-specific ecological Risk Assessments), that the overseeing regulatory agency would deem appropriate for making the EI determination.

_____ If no - (the discharge of "contaminated" groundwater can not be shown to be "**currently acceptable**") - skip to #8 and enter "NO" status code, after documenting the currently unacceptable impacts to the surface water body, sediments, and/or eco-systems.

_____ If unknown - skip to 8 and enter "IN" status code.

Rationale and Reference(s):_____

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

[4] Note, because areas of inflowing groundwater can be critical habitats (e.g., nurseries or thermal refugia) for many species, appropriate specialist (e.g., ecologist) should be included in management decisions that could eliminate these areas by significantly altering or reversing groundwater flow pathways near surface water bodies.

[5] The understanding of the impacts of contaminated groundwater discharges into surface water bodies is a rapidly developing field and reviewers are encouraged to look to the latest guidance for the appropriate methods and scale of demonstration to be reasonably certain that discharges are not causing currently unacceptable impacts to the surface waters, sediments or eco-systems.

7. Will groundwater **monitoring** / measurement data (and surface water/sediment/ecological data, as necessary) be collected in the future to verify that contaminated groundwater has remained within the horizontal (or vertical, as necessary) dimensions of the "existing area of contaminated groundwater?"

_____ If yes - continue after providing or citing documentation for planned activities or future sampling/measurement events. Specifically identify the well/measurement locations which will be tested in the future to verify the expectation (identified in #3) that groundwater contamination will not be migrating horizontally (or vertically, as necessary) beyond the "existing area of groundwater contamination."

_____ If no - enter "NO" status code in #8.

_____ If unknown - enter "IN" status code in #8.

Rationale and Reference(s):_____

8. Check the appropriate RCRIS status codes for the Migration of Contaminated Groundwater Under Control EI (event code CA750), and obtain Supervisor (or appropriate Manager) signature and date on the EI determination below (attach appropriate supporting documentation as well as a map of the facility).

__X__ YE - Yes, "Migration of Contaminated Groundwater Under Control" has been verified. Based on a review of the information contained in this EI determination, it has been determined that the "Migration of Contaminated Groundwater" is "Under Control" at the **Kiwi Brands Inc.** facility , EPA ID # **PAD 097153399**, located on **Rte. 266N in Douglassville, Pennsylvania, 19518.** Specifically, this determination indicates that the migration of "contaminated" groundwater is under control, and that monitoring will be conducted to confirm that contaminated groundwater remains within the "existing area of contaminated groundwater" This determination will be re-evaluated when the Agency becomes aware of significant changes at the facility.

_____ NO - Unacceptable migration of contaminated groundwater is observed or expected.

_____ IN - More information is needed to make a determination.

Completed by (signature) Hilary Livingston Date 12/6/99
(print) Hilary Livingston
(title) Project Manager

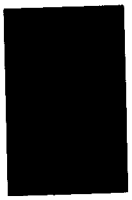
Supervisor (signature) Paul Gotthold Date 12-16-99
(print) Paul Gotthold
(title) Chief, Pennsylvania Operations Branch
(EPA Region or State) EPA Region 3

Locations where References may be found:

U.S. EPA Region III
1650 Arch Street, 3WC22
Philadelphia, PA 19103 - 2029
Hours: Mon-Fri, 9:00 AM - 5:00 PM

Contact telephone and e-mail numbers

(name) Hilary Livingston
(phone #) (215) 814 -3449
(e-mail) livingston.hilary@epa.gov



DOCUMENTATION OF ENVIRONMENTAL INDICATOR DETERMINATION

Interim Final 2/5/99

RCRA Corrective Action
Environmental Indicator (EI) RCRIS code (CA725)

Current Human Exposures Under Control

Facility Name: Kiwi Brands Inc.
Facility Address: Route 662 North, Douglassville, Pennsylvania 19518
Facility EPA ID #: PAD 097153399

1. Has **all** available relevant/significant information on known and reasonably suspected releases to soil, groundwater, surface water/sediments, and air, subject to RCRA Corrective Action (e.g., from Solid Waste Management Units (SWMU), Regulated Units (RU), and Areas of Concern (AOC)), been **considered** in this EI determination?

__X__ If yes - check here and continue with #2 below.

_____ If no - re-evaluate existing data, or

_____ if data are not available skip to #6 and enter"IN" (more information needed) status code.

BACKGROUND

Definition of Environmental Indicators (for the RCRA Corrective Action)

Environmental Indicators (EI) are measures being used by the RCRA Corrective Action program to go beyond programmatic activity measures (e.g., reports received and approved, etc.) to track changes in the quality of the environment. The two EI developed to-date indicate the quality of the environment in relation to current human exposures to contamination and the migration of contaminated groundwater. An EI for non-human (ecological) receptors is intended to be developed in the future.

Definition of "Current Human Exposures Under Control" EI

A positive "Current Human Exposures Under Control" EI determination ("YE" status code) indicates that there are no "unacceptable" human exposures to "contamination" (i.e., contaminants in concentrations in excess of appropriate risk-based levels) that can be reasonably expected under current land- and groundwater-use conditions (for all "contamination" subject to RCRA corrective action at or from the identified facility (i.e., site-wide)).

Relationship of EI to Final Remedies

While Final remedies remain the long-term objective of the RCRA Corrective Action program the EI are near-term objectives which are currently being used as Program measures for the Government Performance and Results Act of 1993, GPRA). The "Current Human Exposures Under Control" EI are for reasonably expected human exposures under current land- and groundwater-use conditions ONLY, and do not consider potential future land- or groundwater-use conditions or ecological receptors. The RCRA Corrective Action program's overall mission to protect human health and the environment requires that Final remedies address these issues (i.e., potential future human exposure scenarios, future land and groundwater uses, and ecological receptors).

Duration / Applicability of EI Determinations

EI Determinations status codes should remain in RCRIS national database ONLY as long as they remain true (i.e., RCRIS status codes must be changed when the regulatory authorities become aware of contrary information).

2. Are groundwater, soil, surface water, sediments, or air **media** known or reasonably suspected to be **"contaminated"**[1] above appropriately protective risk-based "levels" (applicable promulgated standards, as well as other appropriate standards, guidelines, guidance, or criteria) from releases subject to RCRA Corrective Action (from SWMUs, RUs or AOCs)?

	Yes	No	?	Rationale / Key Contaminants
Groundwater	___	_X_	___	_____
Air (indoors)[2]	___	_X_	___	_____
Surface Soil (e.g., <2 ft)	___	_X_	___	_____
Surface Water	___	_X_	___	_____
Sediment	___	_X_	___	_____
Subsurf. Soil (e.g., >2 ft)	___	_X_	___	_____
Air (outdoors)	___	_X_	___	_____

__X__ If no (for all media) - skip to #6, and enter "YE," status code after providing or citing appropriate "levels," and referencing sufficient supporting documentation demonstrating that these "levels" are not exceeded.

_____ If yes (for any media) - continue after identifying key contaminants in each "contaminated" medium, citing appropriate "levels" (or provide an explanation for the determination that the medium could pose an unacceptable risk), and referencing supporting documentation.

_____ If unknown (for any media) - skip to #6 and enter "IN" status code.

Rationale and Reference(s):

The following four releases have occurred at the facility:
1) January 29, 1988 - 700 gallons of mineral spirits were released due to a faulty tank level indicator at an underground storage tank. Clean up operations were immediately undertaken, with the collection of any recoverable mineral spirits, the excavation of approximately 120 tons of contaminated soil and the installation of three recovery wells.
2) July 24, 1990 - 30-50 gallons of mineral spirits were released at this same underground storage tank area during unloading operations. Groundwater at the three wells in the spill area were purged and sampled for petroleum hydrocarbons, and found to be non-detect. A tank overfill protection system was installed in 1990 to prevent future spills, and the underground storage tank was later removed in 1993 under Pennsylvania Department of Environmental Protection (PADEP) oversight. Groundwater sampling, required under the PADEP underground storage tank removal program, found no detectable levels of contaminants in the groundwater.
3) September 6, 1988 - An unknown amount of a nonhazardous surfactant (Neodol 25-7) was accidentally released from a rooftop tank. The surfactant traveled from the rooftop to an on-site fire pond. PADEP investigated the spill and found that it had been remediated through biodegradation of the Neodol 25-7.
4) September 13, 1994 - 115 gallons of mineral spirits were released from a delivery tanker near the tank pumphouse. Immediate containment was accomplished, and contaminated soil and asphalt were excavated and sent off-site for disposal. The excavated area was then backfilled with clean soil.

Based on these spills and the clean up actions that were taken, there is no reason to believe that any media onsite is contaminated above appropriate risk-based levels. Reference: *Environmental Indicator Inspection Report* for Kiwi Brands Inc., dated December, 1, 1998.

Footnotes:

[1] "Contamination" and "contaminated" describes media containing contaminants (in any form, NAPL and/or dissolved, vapors, or solids, that are subject to RCRA) in concentrations in excess of appropriately protective risk-based "levels" (for the media, that identify risks within the acceptable risk range).

[2] Recent evidence (from the Colorado Dept. of Public Health and Environment, and others) suggest that unacceptable indoor air concentrations are more common in structures above groundwater with volatile contaminants than previously believed. This is a rapidly developing field and reviewers are encouraged to look to the latest guidance for the appropriate methods and scale of demonstration necessary to be reasonably certain that indoor air (in structures located above and adjacent to) groundwater with volatile contaminants) does not present unacceptable risks.

3. Are there **complete pathways** between "contamination" and human receptors such that exposures can be reasonably expected under the current (land- and groundwater-use) conditions?

Summary Exposure Pathway Evaluation Table

	Potential **Human Receptors** (Under Current Conditions)						
"Contaminated" Media	Residents	Workers	Day-Care	Construction	Trespassers	Recreation	Food[3]
Groundwater	___	___	___	___			___
Air (indoors)	___	___	___				
Soil (surface, e.g., <2 ft)	___	___	___	___	___	___	___
Surface Water	___	___			___	___	___
Sediment	___	___			___	___	___
Soil (subsurface e.g., >2 ft)				___			___
Air (outdoors)	___	___	___	___	___		

Instructions for Summary Exposure Pathway Evaluation Table:

1. Strike-out specific Media including Human Receptors' spaces for Media which are not "contaminated") as identified in #2 above.
2. enter "yes" or "no" for potential "completeness" under each "Contaminated" Media -- Human Receptor combination (Pathway).

Note: In order to focus the evaluation to the most probable combinations some potential "Contaminated" Media - Human Receptor combinations (Pathways) do not have check spaces ("___"). While these combinations may not be probable in most situations they may be possible in some settings and should be added as necessary.

_____ If no (pathways are not complete for any contaminated media-receptor combination) - skip to #6, and enter "YE" status code, after explaining and/or referencing condition(s) in-place, whether natural or man-made, preventing a complete exposure pathway from each contaminated medium (e.g., use optional Pathway Evaluation Work Sheet to analyze major pathways).

_____ If yes (pathways are complete for any "Contaminated" Media - Human Receptor combination) - continue after providing supporting explanation.

_____ If unknown (for any "Contaminated" Media - Human Receptor combination) - skip to #6 and enter "IN" status code

Rationale and Reference(s):_____

[3] Indirect Pathway/Receptor (e.g., vegetables, fruits, crops, meat and dairy products, fish, shellfish, etc.)

4 Can the **exposures** from any of the complete pathways identified in #3 be reasonably expected to be **"significant"**[4] (i.e., potentially "unacceptable" because exposures can be reasonably expected to be: 1) greater in magnitude (intensity, frequency and/or duration) than assumed in the derivation of the acceptable "levels" (used to identify the "contamination"); or 2) the combination of exposure magnitude (perhaps even though low) and contaminant concentrations (which may be substantially above the acceptable "levels") could result in greater than acceptable risks)?

_____ If no (exposures can not be reasonably expected to be significant (i.e., potentially "unacceptable") for any complete exposure pathway) - skip to #6 and enter "YE" status code after explaining and/or referencing documentation justifying why the exposures (from each of the complete pathways) to "contamination" (identified in #3) are not expected to be "significant."

_____ If yes (exposures could be reasonably expected to be "significant" (i.e., potentially "unacceptable") for any complete exposure pathway) - continue after providing a description (of each potentially "unacceptable" exposure pathway) and explaining and/or referencing documentation justifying why the exposures (from each of the remaining complete pathways) to "contamination" (identified in #3) are not expected to be "significant."

_____ If unknown (for any complete pathway) - skip to #6 and enter "IN" status code

Rationale and Reference(s):_____

[4] If there is any question on whether the identified exposures are "significant" (i.e., potentially "unacceptable") consult a human health Risk Assessment specialist with appropriate education, training and experience.

5 Can the "significant" **exposures** (identified in #4) be shown to be within **acceptable** limits?

_____ If yes (all "significant" exposures have been shown to be within acceptable limits) - continue and enter "YE" after summarizing and referencing documentation justifying why all "significant" exposures to "contamination" are within acceptable limits (e.g., a site-specific Human Health Risk Assessment).

_____ If no (there are current exposures that can be reasonably expected to be "unacceptable")- continue and enter "NO" status code after providing a description of each potentially "unacceptable" exposure.

_____ If unknown (for any potentially "unacceptable" exposure) - continue and enter "IN" status code

Rationale and Reference(s):_____

6. Check the appropriate RCRIS status codes for the Current Human Exposures Under Control EI event code (CA725), and obtain Supervisor (or appropriate Manager) signature and date on the EI determination below (and attach appropriate supporting documentation as well as a map of the facility):

_X__ YE - Yes, "Current Human Exposures Under Control" has been verified. Based on a review of the information contained in this EI Determination, "Current Human Exposures" are expected to be "Under Control" at the **Kiwi Brands Inc.** facility, EPA ID # **PAD 097153399**, located at **Rte. 662 N, Douglassville, Pennsylvania, 19518** under current and reasonably expected conditions. This determination will be re-evaluated when the Agency/State becomes aware of significant changes at the facility.

____ NO - "Current Human Exposures" are NOT "Under Control."

____ IN - More information is needed to make a determination.

Completed by (signature) Hilary Livingston Date 12/16/99
(print) Hilary Livingston
(title) Project Manager

Supervisor (signature) Paul Gotthold Date 12-16-99
(print) Paul Gotthold
(title) Chief, Pennsylvania Operations Branch
(EPA Region or State) EPA Region 3

Locations where References may be found:

U.S. EPA Region III
1650 Arch Street, 3WC22
Philadelphia, PA 19103 - 2029
Hours: Mon-Fri, 9:00 AM - 5:00 PM

Contact telephone and e-mail numbers

(name) Hilary Livingston
(phone #) (215) 814-3449
(e-mail) livingston.hilary@epa.gov

FINAL NOTE: THE HUMAN EXPOSURES EI IS A QUALITATIVE SCREENING OF EXPOSURES AND THE DETERMINATIONS WITHIN THIS DOCUMENT SHOULD NOT BE USED AS THE SOLE BASIS FOR RESTRICTING THE SCOPE OF MORE DETAILED (E.G., SITE-SPECIFIC) ASSESSMENTS OF RISK.